

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

MAY 20 2005

Federal Communications Commission  
Office of Secretary

In the Matter of )

Amendment of Section 73.202(b), )

FM Table of Allotments, )

FM Broadcast Stations. )

(Akron and Denver, Colorado) )

Reclassification of License of )

Station KRFX(FM), Denver, Colorado )

MB Docket No. 05-102

RM-10630

To: Marlene H. Dortch, Secretary, Office of the Secretary

REPLY COMMENTS

Jacor Broadcasting of Colorado, Inc. ("Jacor"), the licensee of  
Station KRFX(FM), Denver, Colorado (Facility ID No. 29731), by its attorneys, hereby submits  
these Reply Comments on the in the above-captioned proceeding.

The *Notice of Proposed Rulemaking*, DA 05-654 (rel. March 14, 2005) ("NPRM")  
solicited comments on the proposal by Akron Broadcasting Company ("Akron") to allot  
Channel 279C1 to Akron, Colorado. Such allotment is possible only if Station KRFX(FM) is  
reclassified from a Class C to a Class C0 station. As noted in the *NPRM*, an *Order to Show  
Cause, In Re Reclassification of License of Station KRFX(FM), Denver, Colorado*, 18 FCC Rcd  
3220 (MB 2003), was issued to Jacor, affording it 30 days to express in writing an intention to  
seek authority to preserve its Class C status, or otherwise challenge the proposed action. As  
noted in Jacor's Comments in this proceeding dated May 5, 2005 ("Jacor Comments"), on  
April 18, 2003, Jacor timely responded that it intended to file an application for full Class C

No. of Copies rec'd  
List ABCDE

014

facilities, and, as noted in the *NPRM*, on April 24, 2003, Jacor filed such an application, File No. BPH-20030424AAO (the “KRFX Class C Application”). Initially, the KRFX Class C Application was granted; that grant was rescinded. *See Public Notice*, Report No. 25498 (June 3, 2003). On November 9, 2004, the KRFX Class C Application was dismissed by the Audio Division. *See Letter to Marissa G. Repp, Esq., BPH-20030424AAN, et al., Reference 1800B3* (Chief, Audio Div. Nov. 9, 2004).

In Comments dated May 5, 2005 (the “Akron Comments”), Akron asserts that “[a]s noted in the *NPRM*, the [Akron] proposal meets all spacing requirements now that KRFX(FM) has been downgraded to C0 status.” *See Akron Comments* at 2. Akron overstates the Bureau’s conclusions in the *NPRM*. While the *NPRM* does explain that *if* KRFX(FM) were downgraded to Class C0, the Akron proposal would meet spacing requirements, the *NPRM* most certainly does not state, nor could it, that KRFX(FM) has been downgraded to C0 status. To the contrary, the *NPRM* states that “Station KRFX(FM) currently operates on Channel 278C.” *See NPRM* at n. 1. Furthermore, the *NPRM* explains that, although Station KRFX(FM) was subject to a reclassification order to show cause, that Jacor responded that it intended to preserve Class C status and filed the requisite application. *Id.* The *NPRM* notes that the dismissal of the KRFX Class C Application remains pending on reconsideration, and as a consequence, “any action taken herein is subject to the outcome of that proceeding.” *Id.* As noted in the Jacor Comments, at this time, Jacor’s Petition for Reconsideration of the dismissal of the KRFX Class C Application, filed on December 9, 2004 (“Petition for Reconsideration”), continues to be pending before the Media Bureau.

As noted in the Jacor Comments, if Jacor’s Petition for Reconsideration, or later appeal, is granted and the KRFX Class C Application is reinstated and granted, KRFX(FM) will

continue to maintain its Class C designation, which would be a bar to the Akron rulemaking proposal. Thus, Jacor continues to urge the Media Bureau to act promptly on Jacor's Petition for Reconsideration, and in order to conserve limited Commission resources, to withhold action on the Akron rulemaking until a final resolution of the class designation of KRFX(FM). Alternatively, should the Bureau act on the Akron rulemaking, it should stay the effectiveness of any new allotment until the final resolution of the KRFX Class C Application.

Respectfully submitted,

**JACOR BROADCASTING OF  
COLORADO, INC.**

By:

  
Marissa G. Repp

HOGAN & HARTSON L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004  
(202) 637-6845

Its Attorneys

May 20, 2005

## Certificate of Service

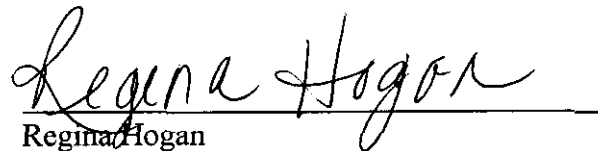
I, Regina Hogan, hereby certify that on this 20<sup>th</sup> day of May, 2005, a copy of the foregoing **Reply Comments** was sent by first-class mail, postage prepaid, to:

Peter H. Doyle, Chief\*  
Audio Division  
Media Bureau  
Federal Communications Commission  
445 – 12th Street, S.W.  
Room 2A-320  
Washington, DC 20554

John A. Karousos\*  
Assistant Chief, Audio Division  
Media Bureau  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, S.W.  
Room 3A-266  
Washington, DC 20554

Ms. Victoria M. McCauley\*  
Audio Division, Media Bureau  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, S.W.  
Room 2A-232  
Washington, D.C. 20554

John M. Pelkey, Esq.  
Garvey Schubert Barer  
Fifth Floor  
1000 Potomac Street, N.W.  
Washington, DC 20007-3501  
Counsel to Akron Broadcasting Company

  
Regina Hogan

\*By Hand Delivery